

**COUNTRY LIFE ESTATES 2 (SCHALLENBERGER)
EIGHT-LOT MAJOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell *TR*

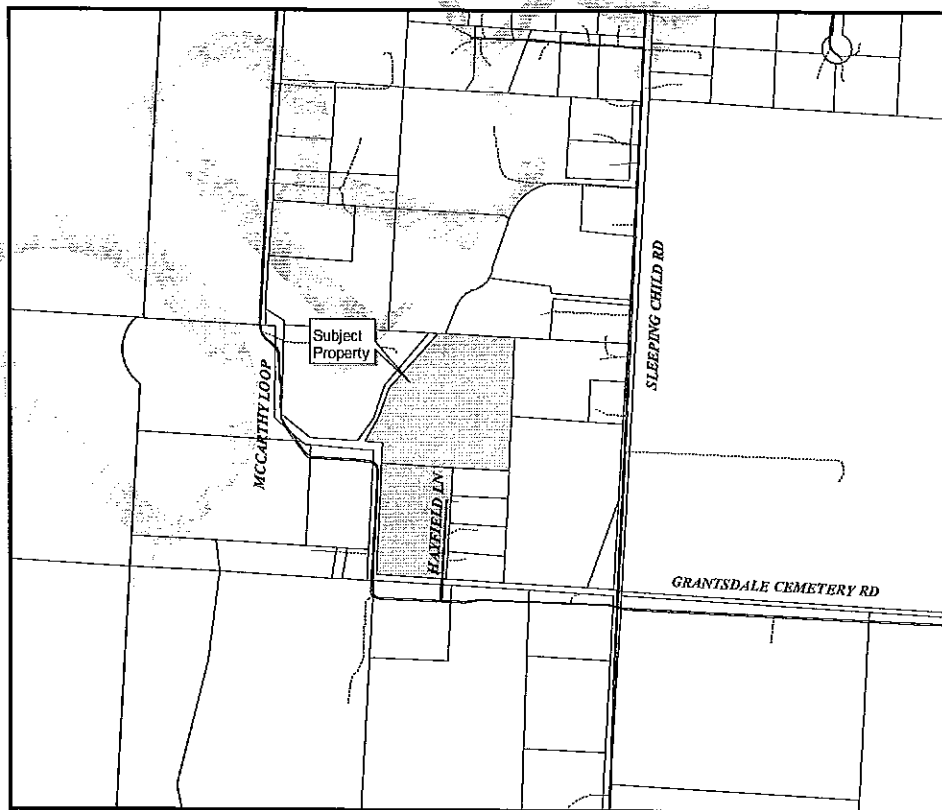
**REVIEWED/
APPROVED BY:** John Lavey *SL*

**PUBLIC HEARINGS/
MEETINGS:** Planning Board Public Meeting: 7:00 p.m. December 3, 2008
BCC Public Hearing: 9:00 a.m. January 15, 2008
Deadline for BCC action (60 working days): January 30, 2009

APPLICANT/ OWNER: Doug and Lori Schallenger
20 Lost Lamb Lane
Hamilton, MT 59840

REPRESENTATIVE: Shepherd Surveying
320 Adirondac
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located south of Hamilton off McCarthy Loop. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lot 5, Country Life Estates and Tract 2-B, Certificate of Survey 4283
Sections 13, T5N, R21W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed complete on October 30, 2008. Agencies were notified of the subdivision on May 28, 2008 and November 20, 2008. Comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-12 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Thursday, November 27, 2008. Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated November 20, 2008. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

| | |
|------------------|------------------------------|
| Subject property | Residential |
| North | Agricultural |
| South | Agricultural |
| East | Residential and Agricultural |
| West | Agricultural |

INTRODUCTION

The Country Life Estates 2 Major Subdivision is an eight-lot split proposed on 16.33 acres. There, are currently two residential structures located on the property. The applicant is proposing individual wells and wastewater treatment facilities to serve all lots.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD
DECEMBER 3, 2008

COUNTRY LIFE ESTATES 2
EIGHT-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Country Life Estates 2 Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. *(Staff Note: Prior to making a decision on the subdivision, the BCC must determine the appropriate parkland dedication.)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture)*

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the McCarthy Loop frontage of this subdivision, excepting the approved approach to Hayfield Lane. All lots within this subdivision must use the approved approach. Locations of the no-ingress/egress restrictions can be found on the final plat. This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)*

Notification of Road Maintenance Agreement. The internal subdivision road, Hayfield Lane, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as elk, mule deer, white-tailed deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at <http://fwp.mt.gov>. (*Section 3-2-8(b)(v), Effects on Agriculture, Effects on Natural Environment, & Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas, as well as a brochure for fence building with wildlife in mind.)
- c. All **garbage** should be stored in bear-resistant containers or indoors. If stored indoors, garbage may not be taken outdoors until the morning of garbage pick-up and containers must be brought back in that evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash storage sites. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in

open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.

- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- m. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane

through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The applicants shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
4. The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the applicants shall provide a letter from the Hamilton Rural Fire District stating that the applicants have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the applicants may provide evidence that a \$500 per newly created lot contribution has been submitted to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
7. The applicant shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
8. The final plat shall show a no-ingress/egress zone along the subdivisions frontage with McCarthy Loop, except for the approved encroachment for the internal subdivision road, Hayfield Lane. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)
9. A stop sign shall be installed at the intersection of McCarthy Loop and Hayfield Lane prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

10. The internal subdivision road shall be labeled as a "public road, utility, and irrigation easement" on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Agricultural Water User Facilities*)
11. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton Post Office's standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval. Alternatively, should the Hamilton Post Office allow for individual mailboxes, evidence shall be provided indicating that a CBU is not required. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
12. The applicant shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
13. The applicant shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of McCarthy Loop and Hayfield Lane. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. The bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
14. The applicant shall enroll in the Ravalli County dust abatement program for the portion of McCarthy Loop heading east from Hayfield Lane to Sleeping Child Road. The applicant shall submit evidence from the Ravalli County Road and Bridge Department indicating that enrollment has occurred. (*Section 3-2-8(b)(v), RCSR, Effects on Local Service and Public Health & Safety*)
15. The applicant shall submit a letter from Daly Ditches Irrigation District indicating the preferred location of a safety fence to be constructed along the entire length of the Republican Ditch where it traverses the subject property. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities and Public Health & Safety*)
16. Hayfield Lane shall be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (*Section 3-2-8(b)(v), RCSR, Effects on Local Service and Public Health & Safety*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 1. Project name
 2. Title block

3. Certificate of registered owner – notarized
 4. Certificate of registered land surveyor with seal
 5. Certificate of governing body approval
 6. Signature block for Clerk and Recorder, preferably in lower right hand corner
 7. Certificate of park cash-in-lieu payment
 8. Other certifications as appropriate
 9. North arrow
 10. Graphic scale
 11. Legal description
 12. Property boundaries (bearings, lengths, curve data)
 13. Pertinent section corners and subdivision corners
 14. Names of adjoining subdivisions/certificates of survey
 15. Monuments found
 16. Witness monuments
 17. Acreage of subject parcel
 18. Curve data (radius, arc length, notation of non-tangent curves)
 19. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 20. Lots and blocks designated by number (dimensions/acreage)
 21. Easements/rights of ways (location, width, purpose, ownership)
 22. No-build/alteration zones
 23. No-ingress/egress zones
 24. Water resources (rivers, ponds, etc.)
 25. Irrigation canals including diversion point(s), etc.
 26. Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
 14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
 15. Engineering plans and specifications for all central sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.

16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
17. Road certification(s) shall be submitted with the final plat submittal.
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. Road maintenance agreement, signed and notarized, shall be submitted with the final plat submittal.
20. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. The applicant shall pay the pro rata share of the cost to improve the portions of McCarthy Loop and Sleeping Child Road leading to the subdivision from Skalkaho Highway prior to final plat approval. (Section 5-4-5(d), RCSR)
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 1. Specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign, installation of the CBU and concrete slab, construction of the internal subdivision road, installation of irrigation facilities, installation of safety fencing along the Republican Ditch, and construction of a bus shelter and turnout.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along McCarthy Loop and Hayfield Lane. (Country Life Estates 2 Preliminary Plat)
2. A proposed 60-foot wide public road and utility easement extending along Hayfield Lane will provide additional utility easement. (Country Life Estates 2 Preliminary Plat)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*
4. *Hayfield Lane shall be labeled as a "public road, utility, and irrigation easement" on the final plat. (Condition 10)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from U.S. Highway 93, Skalkaho Highway, Sleeping Child Road, McCarthy Loop, and Hayfield Lane. (Country Life Estates 2 Subdivision File)
2. U.S. Highway 93 is a state operated roadway. (MDT)
3. Skalkaho Highway is a state operated roadway. (MDT)
4. Sleeping Child Road is listed as a county-maintained road. (RCSR)
5. McCarthy Loop is listed as a county-maintained road. (RCSR)
6. The internal road, Hayfield Lane will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (Country Life Estates 2 Preliminary Plat)
7. A Road Maintenance Agreement outlines what parties are responsible for maintaining Hayfield Lane and under what conditions. (Country Life Estates 2 Subdivision File)
8. *The final plat shall show a no-ingress/egress zone along the subdivisions frontage with McCarthy Loop. (Condition 8)*
9. *Hayfield Lane shall be labeled as a "public road, utility, and irrigation easement" on the final plat. (Condition 10)*

Conclusion of Law

Legal and physical access will be provided to all lots within the subdivision.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant prior to final plat approval (Final Plat Requirements 1 and 26).

- Specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign, installation of the CBU and concrete slab, construction of the internal subdivision road, installation of irrigation facilities, installation of safety fencing along the Republican Ditch, and construction of a bus shelter and turnout.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the applicant is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 2.04 acres. (Country Life Estates 2 Subdivision File)
3. The property is located within and has water shares provided by Daly Ditches Irrigation District. (Country Life Estates 2 Subdivision Application)
4. The applicant is proposing to reallocate the water shares equally between the newly created lots. (Country Life Estates 2 Subdivision File)
5. In a letter dated November 6, 2006, Paul Barteni, Manager of Daly Ditches Irrigation District stated that he has read and approved the irrigation plan submitted on behalf of the Country Life Estates 2 subdivision proposal. (Exhibit A-1)
6. The applicant has submitted a preliminary master irrigation plan and irrigation agreement that meets the requirements of the Ravalli County Subdivision Regulations. (Country Life Estates 2 Subdivision Application)
7. *Section 3-4-4(a)(xx) requires that a master irrigation plan that meets the provisions in Section 3-1-5(a)(xxxv) and conforms to the irrigation plan presented in the preliminary plat application is submitted prior to final plat approval. Section 3-4-4(a)(xxvi) requires that all improvements are completed prior to final plat approval. (Requirements 20 and 26)*

Conclusion of Law

With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the applicant is required to establish ditch easements in the subdivision that:
 - (i) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (ii) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (iii) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is an existing 10-foot wide buried irrigation pipeline easement that traverses proposed Lots 3 and 4. The irrigation pipeline then continues along the existing and proposed 60-foot wide public road and utility easement for Hayfield Lane. (Country Life Estates 2 Preliminary Plat)
3. The Republican Ditch traverses the northwestern portion of the property in a northeast to southwest direction. There is an existing 75-foot wide easement associated with the ditch. (Country Life Estates 2 Preliminary Plat)
4. The placement of structures or the planting of vegetation other than grass within irrigation easements is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
 - *The existing irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *The internal subdivision road shall be labeled as a "public road, utility, and irrigation easement" on the final plat. (Condition 10)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The application states that 0.82 acres are required to meet the parkland dedication requirement. (Country Life Estates 2 Subdivision File)
2. RCSR Section 6-1-5(a) requires a applicant to make a land donation to the County, make a cash donation to the County, reserve land within the development for the recreational uses for those within the development, and/or reserve land for one or more of the following purposes:
 - a. Protection of critical wildlife habitat;
 - b. Protection of cultural, historical, or natural resources;
 - c. Protection of agricultural lands; or
 - d. Protection of aesthetic values, including open space and scenic vistas

3. Pursuant to RCSR Section 6-1-5(a)(4)(b), the applicant is proposing to meet the parkland dedication requirement by making a cash donation to the County. (Country Life Estates 2 Subdivision File)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the applicant and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the applicant, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
5. In a letter dated June 25, 2008 (Exhibit A-2), Park Board representative Bob Cron stated that a cash-in-lieu donation of parkland dedication was the preferred mitigation. In an updated letter received November 25, 2008 (Exhibit A-3), the Park Board further recommended that the applicant install a minimum 5-foot wide asphalt trail along one side of the internal roadway from the cul-de-sac to the potential bus stop located at the intersection of Hayfield Lane and McCarthy Loop.
6. *If the BCC determines that cash-in-lieu is appropriate, the applicant will be required to hire an appraiser as outlined in Section 6-1-7. The BCC will determine whether or not the amount is acceptable (Final Plat Requirement 12)*
7. *The applicant shall construct a minimum 5-foot wide asphalt trail along one side of Hayfield Lane from the cul-de-sac to the intersection with McCarthy Loop. (Condition 16)*

Conclusion of Law

The applicant has proposed parkland dedication that meets State Law requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Country Life Estates 2 Preliminary Plat)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Country Life Estates 2 Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Country Life Estates 2 Subdivision File)

Conclusion of Law

There are no zoning regulations that apply to the property.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are existing covenants on the property recorded as Document #473047 with the Ravalli County Clerk & Recorder. (Country Life Estates 2 Subdivision Application)

Conclusion of Law

The proposal appears to comply with existing covenants.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on August 21, 2006. (Country Life Estates 2 Subdivision File)
3. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 16.33 acres will result in eight lots that range in size from 2.00 acres to 2.30 acres. The property is located approximately 3 miles south of the City of Hamilton off McCarthy Loop. (Country Life Estates 2 Subdivision File)
2. The subject parcel is classified for tax purposes as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. The property is adjacent to agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. The NRCS Web Soil Survey indicates that there are no prime farmlands or farmlands of statewide importance found on the property. (NRCS)
5. In a letter dated August 27, 2008, State Conservationist Dave White of the Natural Resource Conservation Service confirmed that the NRCS soils staff would no longer utilize the farmland of local importance soils classification, per the request of the Bitterroot Conservation District. (Exhibit A-4)

6. During a phone conversation on September 24, 2008, Julie Ralston of the Bitterroot Conservation District summarized the reasoning for eliminating the farmland of local importance soils classification. (Exhibit A-5)
7. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted small amounts of common tansy, houndstongue, and canada thistle were found on the property along the banks of the republican ditch. (Country Life Estates Subdivision File)
8. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
9. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The average lot size for this proposal is approximately 2.04 acres. (Country Life Estates 2 Subdivision File)
2. The property is located within and has water shares provided by Daly Ditches Irrigation District. (Country Life Estates 2 Subdivision Application)
3. The applicant is proposing to reallocate the water shares equally between the newly created lots. (Country Life Estates 2 Subdivision File)
4. In a letter dated November 6, 2006, Paul Barteni, Manager of Daly Ditches Irrigation District stated that he has read and approved the irrigation plan submitted on behalf of the Country Life Estates 2 subdivision proposal. (Exhibit A-1)
5. The applicant has submitted a preliminary master irrigation plan and irrigation agreement that meets the requirements of the Ravalli County Subdivision Regulations. (Country Life Estates 2 Subdivision Application)
6. There is an existing 10-foot wide buried irrigation pipeline easement that traverses proposed Lots 3 and 4. The irrigation pipeline then continues along the existing and proposed 60-foot wide public road and utility easement for Hayfield Lane. There is also an existing 10-foot wide irrigation easement that traverses a portion of proposed Lot 1. (Country Life Estates 2 Preliminary Plat)
7. The Republican Ditch traverses the northwestern portion of the property in a northeast to southwest direction. There is an existing 75-foot wide easement associated with the ditch. (Country Life Estates 2 Preliminary Plat)
8. The placement of structures or the planting of vegetation other than grass within irrigation easements is prohibited. (76-3-504(1)(k) MCA).
9. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*

- All irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)
- A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal. (Final Plat Requirement 20)
- Installation of all irrigation facilities as proposed within the master irrigation plan. (Final Plat Requirement 26)
- A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)
- The internal subdivision road shall be labeled as a "public road, utility, and irrigation easement" on the final plat. (Condition 10)
- The applicant shall install safety fencing along the entire length of the Republican Ditch in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Final Plat Requirement 26)
- The applicant shall submit a letter from Daly Ditches Irrigation District indicating the preferred location of a safety fence to be constructed along the entire length of the Republican Ditch where it traverses the subject property. (Condition 15)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Hamilton Rural Fire District. (Country Life Estates 2 Subdivision File)
2. Notification letters were sent to the Hamilton Rural Fire District requesting comments on May 28, 2008 and November 20, 2008. (Country Life Estates 2 Subdivision File)
3. In a letter dated June 4, 2008, Lisa Wade, Secretary for the Hamilton Rural Fire District, stated that the Hamilton Rural Fire District and the City of Hamilton Fire chief had reviewed the subdivision proposal and recommended that the following mitigating measures are met: (Exhibit A-6)
 - a) All buildings should be built to IRBC code
 - b) All roads leading to and within the subdivision should be paved and constructed to County standards without any variances since access to the subdivision is a concern.
4. The Hamilton Rural Fire District has adopted the Fire Protection Standards, which address access, posting of addresses, and water supply requirements. (Exhibit A-7)
5. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald J. Ehli, on behalf of the Ravalli County Fire Council requested that all interior roadways for new development be constructed with a travel surface of 20 feet with a minimum of 1-foot shoulders, for a total width of 22 feet. (Exhibit A-8)
6. The following conditions will mitigate impacts of the subdivision on the Fire District:
 - Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)
 - A provision in the covenants shall recommend that houses within the subdivision be built to IRBC standards. (Condition 2)
 - The applicants shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)

- Prior to final plat approval, the applicants shall provide a letter from the Hamilton Rural Fire District stating that the applicants have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the applicants may provide evidence that a \$500-per-new-lot contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 6)
- Hayfield Lane shall be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (Condition 16)

School District

7. The proposed subdivision is located within the Hamilton School District. (Country Life Estates 2 Subdivision File)
8. It is estimated that 3.5 to 4.0 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household. (Census 2000)
9. Notification letters were sent to the Hamilton School District requesting comments on May 28, 2008 and November 20, 2008. (Country Life Estates 2 Subdivision File)
10. The Hamilton School District has not submitted any comments specific to this proposal to date. However, In a letter received November 14, 2008, Mr. Phillip Santee, Superintendent for the Hamilton School District stated the following in regards to the Nighthawk Meadows Major Subdivision, which is a six-lot subdivision also located within the Hamilton School District: (Exhibit A-9)
 - 1) The District will not provide transportation services to any student who does not live on county maintained roads and/or do not have an adequate bus turn around area.
 - 2) The District would like the developer to insure that the children are provided with a safe area that is out of the weather to wait for the bus at the intersection of Nighthawk Lane and Tail Feather Lane.
 - 3) The District has not conducted an impact fee study, but they would like the County to assess a mitigation fee that they feel is appropriate for this project.
11. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil excluding capital costs would be \$2,329 for the Hamilton School District (Exhibit A-10)
12. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-11)
13. To mitigate impacts on the School District:
 - The applicant shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount) per-lot prior to final plat approval. (Condition 12)
 - The applicant shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Hayfield Lane and McCarthy Loop. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. The

bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. (Condition 13)

Public Safety

14. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Country Life Estates 2 Subdivision File)
15. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on May 28, 2008 and November 20, 2008, but no comments have been received to date. (Country Life Estates 2 Subdivision File)
16. This proposed subdivision is located approximately 5.0 miles from the Sheriff's dispatch in Hamilton. (Ravalli County GIS Data)
17. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 20 people to the County. (Census 2000)
18. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Office of Emergency Services (OES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
19. *The applicant shall submit an (amount)-per-lot contribution made to the County Treasurer's Office to be submitted into an account for Public Safety (Sheriff, E-911, OES) prior to final plat approval. (Condition 7)*

Roads

20. There are eight proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 64 vehicular trips per day, assuming eight trips per day per lot. (Country Life Estates 2 Subdivision File)
21. The subject property gains legal and physical access from U.S. Highway 93, Skalkaho Highway, Sleeping Child Road, McCarthy Loop, and Hayfield Lane. (Country Life Estates 2 Subdivision File)
22. U.S. Highway 93 is a state operated roadway. (MDT)
23. Skalkaho Highway is a state operated roadway. (MDT)
24. Sleeping Child Road is listed as a county-maintained road. (RCSR)
25. McCarthy Loop is listed as a county-maintained road. (RCSR)
26. The internal road, Hayfield Lane will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (Country Life Estates 2 Preliminary Plat)
27. A proposed Road Maintenance Agreement outlines what parties are responsible for maintaining Hayfield Lane and under what conditions. (Country Life Estates 2 Subdivision File)
28. There is an existing road name sign located at the intersection of McCarthy Loop and Hayfield Lane. A stop sign is required to be installed at said intersection. (Country Life Estates 2 Subdivision File)
29. The road plans received preliminary approval from the Ravalli County Road and Bridge Department on October 27, 2008. (Country Life Estates 2 Subdivision File)
30. The applicant was required to complete a Traffic Impact Analysis (TIA) for the portion of McCarthy Loop accessing the proposal. (Exhibit A-12).
31. On August 19, 2008, the David Ohnstad, Road Supervisor for the Ravalli County Road and Bridge Department stated in an email that he would accept the finding of the TIA and would recommend that the current or future owners participate annually in the County's dust abatement program for the portion of McCarthy Loop heading east from Hayfield Lane to Sleeping Child Road. (Exhibit A-13)
32. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*

- A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
- The applicant shall submit a final approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
- Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)
- Road certification(s) shall be submitted with the final plat submittal. (Final Plat Requirement 17)
- A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal road. (Final Plat Requirement 19)
- A notification of the limitation of access shall be included in the notifications document. (Condition 1)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)
- The final plat shall show a no-ingress/egress zone along the subdivisions frontage with McCarthy Loop. (Condition 8)
- A stop sign shall be installed at the intersection of McCarthy Loop and Hayfield Lane prior to final plat approval. (Condition 9)
- The easement for the internal subdivision road shall be labeled as a "public road, utility, and irrigation easement on the final plat. (Condition 10)
- The applicant shall enroll in the Ravalli County dust abatement program for the portion of McCarthy Loop heading east from Hayfield Lane to Sleeping Child Road. The applicant shall submit evidence from the Ravalli County Road and Bridge Department indicating that enrollment has occurred. (Condition 14)

Ambulance Services

33. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on May 28, 2008 and November 20, 2008 but no comments have been received to date. (Country Life Estates 2 Subdivision File)
34. To mitigate impacts on emergency services, the applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)

Water and Wastewater Districts

35. The applicant is proposing individual wells and a community wastewater treatment facility to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Country Life Estates 2 Subdivision File)
36. To mitigate impacts of the subdivision relating to water and wastewater, the applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)

Solid Waste Services

37. Bitterroot Disposal provides service to this site. (Country Life Estates 2 Subdivision File)
38. Notification letters were sent to Bitterroot Disposal requesting comments on May 28, 2008 and November 20, 2008, but no comments have been received to date. (Country Life Estates 2 Subdivision File)

Mail Delivery Services

39. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. (Exhibit A-14)
40. *To mitigate impacts on local services, the applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton Post Office's standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval. Alternatively, should the Hamilton Post Office allow for individual mailboxes, evidence shall be provided indicating that a CBU is not required. (Condition 11)*

Utilities

41. The proposed subdivision will be served by Northwestern Energy and Qwest Communications. (Country Life Estates 2 Subdivision File)
42. Notification letters were sent to the utility companies requesting comments on May 28, 2008 and November 20, 2008 (Country Life Estates 2 Subdivision File). In a letter dated November 9, 2006, Qwest Senior Design Engineer Dave Smith stated that they would provide telecommunications services to the proposed development. (Exhibit A-15)
43. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision will add six new homes to Ravalli County, as there are currently two residential structures located on the subject property. (Application, 2004 Aerial Photograph and Site Visit on 11/25/08)
2. The Montana DEQ has identified that burning sources -- such as fireplaces and wood stoves -- are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana: <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground Water Quality

4. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-16)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Surface Water Features

6. The Republican Ditch traverses the northwestern portion of the property. (Country Life Estates 2 Preliminary Plat)
7. There is an existing 75-foot easement extending from the Republican Ditch onto the subject property. (Country Life Estates 2 Preliminary Plat)
8. *The applicant is required to show all existing easements on the final plat. (Final Plat Requirement 2)*

Vegetation

9. The applicant submitted a Ravalli County Subdivision "Ground Disturbance and Noxious Weed" Management Plan. (Country Life Estates 2 Subdivision File)
10. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
11. The Montana Natural Heritage Program found that the Palish Sedge and State Champion Tree were plant species that are potentially located within the same section as the subject property. The applicant submitted and was granted a sensitive species waiver for the State Champion Tree. The applicant was required to submit a sensitive species report for the Palish Sedge. The report indicated that during an on-site investigation, there was no indication of the presence of Palish Sedge. (Country Life Estates 2 Subdivision Application)
12. *To mitigate impacts on the natural environment, the following condition and requirement shall be met:*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Historical/Archeological Sites

13. There are no known sites of historical significance on the property. (Country Life Estates 2 Subdivision File)
14. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter received June 10, 2008, Montana Fish wildlife and Parks (FWP) stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-17)
2. According to the Montana Natural Heritage Program, the Bull Trout, Westslope Cutthroat Trout, and Townsend's Big-Eared Bat were identified as animal species of concern that could exist in the same section as the proposal. The applicant requested and received a waiver from the requirement to submit a sensitive species report for the Townsend's Big-Eared Bat and submitted a sensitive species report for the two fish species. The sensitive species report concluded that the Republican Ditch is not suitable habitat for both identified fish species.

(Country Life Estates 2 Subdivision Application)

3. *To mitigate impacts on wildlife and wildlife habitat, the covenants filed with the subdivision shall include a living with wildlife section as recommended by FWP. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Hayfield Lane. (Country Life Estates 2 Preliminary Plat)
2. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Disaster & Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Country Life Estates 2 Subdivision Application)
4. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicant is proposing individual wells and a community wastewater treatment facility to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Country Life Estates 2 Subdivision File)
6. *To mitigate impacts of the subdivision relating to water and wastewater, the applicant shall submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. The preliminary plat and soils map indicate there are no soil types on the property that are considered severe for construction of roads and/or buildings. (Country Life Estates 2 Subdivision File)
9. The Republican Ditch traverses the northwestern portion of the property.
10. *To mitigate impacts on the public's health and safety, the following conditions shall be met:*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The applicant shall install safety fencing along the entire length of the Republican Ditch in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Final Plat Requirement 26)*
 - *The applicant shall submit a letter from Daly Ditches Irrigation District indicating the preferred location of a safety fence to be constructed along the entire length of the Republican Ditch where it traverses the subject property. (Condition 14)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.



DALY DITCHES IRRIGATION DISTRICT
566 TAMMANY LANE
HAMILTON MT 59840
(406) 363-1130

Date: 11-6-06

To Whom It May Concern:

Parcel # 819500 + 819550 has 16.33 acres of which 16.30 is in
Daly Ditches Irrigation District. Each irrigated acre receives one miner's inch at peak flow time. This
may decrease during dry years, or depending on the water source, later in the irrigation season.

X

I have read, and approve the irrigation plan submitted to me.

I have read the irrigation plan submitted to me and require the following changes.

✓

There is a \$100 fee for each subdivision to help defray expenses, and this has been paid.

There is a \$25 fee for each expedited subdivision and this has been paid.

Sincerely,



Paul Barteni
Manager

EXHIBIT A-1

RECEIVED

June 25, 2008

JUN 27 2008
IC-08-06-809
Ravalli County Planning Dept.

John Lavey
Planning Department
215 S 4th Street, Suite F
Hamilton, MT 59840

Subject: County Life Estates II

Dear John:

Thank you for providing the Ravalli County Parks Board with information and a preliminary plat for County Life Estates II subdivision. This subdivision proposes 8 lots on 16.33 acres. The park dedication requirement for this subdivision is approximately 0.8 acres which is less than the minimum size we desire for a park. Therefore, we recommend cash-in-lieu of land dedication.

Please don't hesitate to contact Bob Cron, 375-2364 if there are questions.

Sincerely,

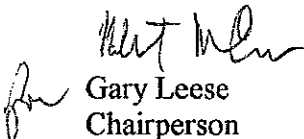

Gary Leese
Chairperson
Ravalli County Parks Board

Exhibit A-2

November 23, 2008

Tristan Riddell
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

NOV 25 2008
JC-08-11-1350
Ravalli County Planning Dept.

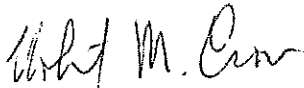
Subject : County Life Estates II

Dear Tristan:

Thank you for your second notice for comment on County Life Estates II. In addition to our comments of June 25, 2008, please include the following: We further recommend that the applicants as part of their transportation system, for the safety of children and walking adults, construct a minimum five foot wide asphalt trail along one side of the access road from the cul-de-sac to the bus stop.

Thank you for requesting our comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron

For

Gary Leese

Chairperson,

Ravalli County Parks Board

EXHIBIT A-3

United States Department of Agriculture



Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock
Bozeman, MT 59715

RECEIVED

SEP 12 2008
10-08-09-1009
Ravalli County Planning Dept.

Office: (406) 587-6811
Fax: (406) 587-6761

August 27, 2008

Tom Ruffatto
Chairman
Bitterroot Conservation District
1709 North First Street
Hamilton, Montana 59840

Dear Mr. Ruffatto:

This letter is in response to the Bitterroot Conservation District's request to withdraw Ravalli County Locally Important Farmland designations that were approved April 9, 2007. I concur with your request and will instruct the NRCS soils staff to eliminate that designation for soils in Ravalli County. Prime and Statewide Importance designations will still remain.

Any further questions or discussion, please feel free to contact me.

Sincerely,

Steve Becker, Acting

DAVE WHITE
State Conservationist

cc:

Henry Burkwhat, District Conservationist, NRCS, Hamilton, MT
Craig Engelhard, Assistant State Conservationist for Field Operations, NRCS, Missoula, MT
Chuck Gordon, State Soil Scientist, NRCS, Bozeman, MT
Jay Skovlin, Project Leader, NRCS, Hamilton, MT

HELPING PEOPLE HELP THE LAND

An Equal Opportunity Provider and Employer

EXHIBIT A-4

From: John Lavey

Sent: Wednesday, September 24, 2008 10:56 AM

To: Planning; Jennifer Degroot; Tristan Riddell; Renee Lemon; Randy Fifrick; Laura Hendrix; Vanessa Morrell

Cc: Carlotta Grandstaff; James Rokosch; Greg Chilcott; Kathleen Driscoll; Alan Thompson

Subject: Farmlands of Local Importance - Background

All,

I spoke with Julie Ralston today from the Bitterroot Conservation District, who provided me with the following background information regarding the elimination of the Farmlands of Local Importance category from the NRCS soil classifications. Without going into too much detail, the Farmlands of Local Importance soil classification was included in the overall soil assessment to provide cost-sharing incentives to landowners who were considering conservation easements. However, Congress recently passed a national farm bill that included the formulation of a new program that essentially provides the same incentive to landowners as the Local Important soils classification once did. The Environmental Quality Incentive Program (EQIP) is not site specific, unlike Farmlands of Local Importance, and therefore provides the baseline cost-sharing incentive to any landowner in the County. Because the federal government provided this blanket incentive to all landowners, there existed no reason for the BCD to continue assessing properties based on the likelihood of them having Locally Important soils. The BCD then petitioned the NRCS to drop that classification, and it did.

Additionally, Julie noted that the Locally Important farmland classification was being used by the local government to assess fees during subdivision review – against the request of the BCD. Several BCD board members expressed concerns that the classification was not intended to be used as leverage to "tax" (her words) landowners for subdividing. Julie was clear to note that this was not the primary reason for requesting elimination of the Locally Important classification.

Best,

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530



Think Green -

please do not print this email unless necessary

EXHIBIT A-5



Hamilton Rural Fire District

Post Office Box 1994 • Hamilton, MT 59840

June 4, 2008

John Lavey
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

JUN 05 2008
IC-08-06-728
Ravalli County Planning Dept

RE: Agency comment on County Life Estates II Subdivision Proposal .

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the May 28, 2008 information received from John Lavey in regards to the District's ability to provide fire protection services.

To mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, and in keeping with our Fire Protection Standards, we request that:

- 1) All buildings are built to IRBC code, and
- 2) All roads leading to and within the subdivision are constructed to County standards without any variances since access to the subdivision a concern.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire protection service to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,

Lisa Wade
Secretary

EXHIBIT A-6

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720-mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXHIBIT A-7

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

| Distance Between Buildings | Needed Fire Flow |
|----------------------------|------------------|
| More than 100' | 500 gpm |
| 31 - 100' | 750 gpm |
| 11 - 30' | 1,000 gpm |
| 10' or less | 1,500 gpm |

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.



RAVALLI COUNTY FIRE COUNCIL
PO BOX 410267
PINESDALE, MT 59841

September 25, 2008

Ravalli County Planning Dept.
C/O John Lavey, Tristen Riddell
215 South 4th Street, Suite "F"
Hamilton, Montana 59840

Dear John and Tristen,

Please consider this letter as a directive from the Ravalli County Fire Council as to our interpretation of the road standards to be used for all fire districts within Ravalli County.

It is our interpretation that the standard road width will be 20 feet of road surface, with a minimum of 1-foot shoulders, which shall be designed and maintained to support the imposed loads of fire apparatus. The primary reasoning behind our decision is at an incident; on-coming fire trucks can safely pass each other without going on the shoulder of the road. We understand that the current subdivision regulations in Ravalli County only provide for an 18-foot surface, so we are requesting that this letter act as an amendment to such regulation until such time that the subdivision regulations of Ravalli County can be changed to meet the needs of the fire districts of Ravalli County.

Thank you for your timely consideration of this request. Any questions relating to this matter can be directed to myself, as Fire Warden, at 363-1231.

Sincerely,

Ronald J. Ehli
Ravalli County Fire Warden

EXHIBIT A-8

Hamilton School District

217 Daly Avenue
Hamilton, MT 59840



voice: 406-363-2280 x500
fax: 406-363-1843

Ravalli County Planning Department
215 South 4th Street – Suite F
Hamilton, MT 59840

RECEIVED

NOV 14 2008
IC-08-11-1326
Ravalli County Planning Dep.

RE: Nighthawk Meadows Major Subdivision

Dear Mr. Fifrlick:

Your letter to the Hamilton School District dated November 6, 2008, requested comments about the above stated subdivision.

The District wants to have on record that it will not provide transportation services to any students who do not live on county maintained roads and/or do not have an adequate bus turn around area.

For the Nighthawk Meadows subdivision, the District would like the developer to insure that the children are provided with a safe area that is also out of the weather to wait for the bus at the intersection of Nighthawk Lane and Tail Feather Lane.

The Hamilton School District has not conducted an impact fee study for our district, but we would like to request that the County assess a mitigation fee that they feel is appropriate for this project on behalf of the district.

Thank you for your time and consideration.

Sincerely,

Mr. Phillip D. Santee, Superintendent
Hamilton School District #3

PDS/cb

EXHIBIT A-9

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

| School | Total Budget | Students October Count | Budget Per Pupil |
|-------------------|--------------|------------------------|------------------|
| Corvallis | 9,246,716 | 1,413 | 6,544 |
| Stevensville Elem | 4,313,675 | 615 | 7,014 |
| Stevensville HS | 3,844,872 | 426 | 9,026 |
| Hamilton | 10,696,135 | 1,616 | 6,619 |
| Victor | 2,354,712 | 349 | 6,747 |
| Darby | 3,918,507 | 435 | 9,008 |
| Lone Rock Elem | 2,010,732 | 301 | 6,680 |
| Florence | 6,004,225 | 898 | 6,686 |

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

| School | Total Tax Except Capital | Students October Count | County & State Levy* | Tax Levy Per Pupil Exc Capital | Total Capital | Per Pupil Tax Capital | Total Tax Levy Inc Capital | Tax Levy Per Pupil Inc Capital |
|-------------------|--------------------------|------------------------|----------------------|--------------------------------|---------------|-----------------------|----------------------------|--------------------------------|
| Corvallis | 1,894,368 | 1,413 | 941,511 | 2,007 | 166,126 | 117.57 | 3,002,005 | 2,125 |
| Stevensville Elem | 1,077,017 | 615 | 412,448 | 2,422 | 120,541 | 196.00 | 1,610,006 | 2,618 |
| Stevensville HS | 818,794 | 426 | 329,287 | 2,695 | | | 1,148,081 | 2,695 |
| Hamilton | 2,714,396 | 1,616 | 1,050,013 | 2,329 | 909,210 | 562.63 | 4,673,619 | 2,892 |
| Victor | 468,192 | 349 | 202,861 | 1,923 | 297,013 | 851.04 | 968,066 | 2,774 |
| Darby | 1,022,738 | 435 | 371,211 | 3,204 | | 0.00 | 1,393,949 | 3,204 |
| Lone Rock Elem | 432,039 | 301 | 223,920 | 2,179 | 102,211 | 339.57 | 758,170 | 2,519 |
| Florence | 1,234,419 | 898 | 776,153 | 2,239 | 24,542 | 27.33 | 2,035,114 | 2,266 |

NOTE: * County levied Retirement and Transportation

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

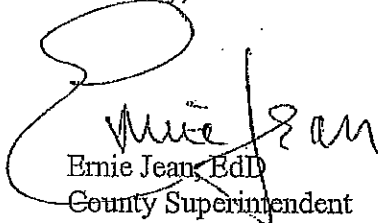

Ernie Jean Edl
County Superintendent

EXHIBIT A-11

Bitterroot Engineering & Design, Inc.

1180 Eastside Hwy. Corvallis, MT 59828
(406) 961-5634 FAX (406) 961-5654

May 22, 2008

Ravalli County Planning Department
Jennifer DeGroot
215 South 4th Street, Suite F
Hamilton, MT 59840

SUB: Traffic Impact Analysis for Country Life Estates No. 2, Hamilton, MT.

Dear Jennifer,

Please consider this the required traffic impact analysis for the abovementioned subdivision regarding McCarthy Loop.

Existing Traffic circulation conditions and patterns

The road which serves the subdivision is Hayfield Lane. Hayfield Lane's approach off of Sleeping Child Road is approximately 0.18 miles over McCarthy Loop. McCarthy Loop serves several existing residences some agricultural operations and one bicycle shop.

Anticipated traffic circulation conditions and patterns

It is believed that 98% of the traffic from Hayfield Lane will take McCarthy Loop east to access Sleeping Child Road. An occasional trip may be made to the west through the other end of McCarthy Loop.

Effects on the road network

McCarthy Loop is currently classified as a minor local road subdivision since average daily trips are less than 400. The projected total 112 average daily trips are still below changing the road classification. The effects on the road network will be more than doubled, however since the traffic volumes are already so low, no substantial negative effects are anticipated. The road was previously reconstructed in 2000 with funds from the developer. McCarthy Loop was reconstructed to the then County Standard Road by the Ravalli County Road and Bridge Department.

Recommendations/alternatives to alleviate negative effects.

With the proposed pro-rata share of \$34,111, the County Road and Bridge Department could either pave the road or apply a BST along with some additional base gravel. No other improvements are proposed as the road appears in adequate condition.

Existing Average Daily Traffic

Road counts in 2008 yielded 48 average daily trips.

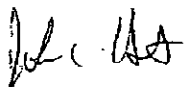
Projected Average Daily Traffic

Projected average daily traffic will increase by 64 trips for a total of 112 average daily trips.

Please give me a call if you have any questions.

Sincerely,

BITTERROOT ENGINEERING AND DESIGN, INC.



By John C. Horat, PE

Tristan Riddell

From: John Lavey
Sent: Monday, October 27, 2008 11:59 AM
To: Tristan Riddell; Randy Fifrick
Subject: FW: Traffic Impact Analyses

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530



Think Green -
please do not print this email unless necessary

From: David Ohnstad
Sent: Tuesday, August 19, 2008 1:22 PM
To: John Lavey
Subject: RE: Traffic Impact Analyses

John -

Apologies for the delay in responding ...

We will accept the findings of the Traffic Impact Analysis for Country Life Estates II. We recommend that the subject property owners or subsequent owners participate annually in the county's Dust Abatement Program to mitigate dust and dry-weather surface distress for the section of McCarthy Loop identified in the TIA.

We will accept the findings of the Traffic Impact Analysis for Rivers Edge II provided that the design engineer demonstrate, through design analysis submitted to the RCRBD, that the additional traffic generated by the project can be accommodated by the current design of the subject section of the Old East Side Highway.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: John Lavey
Sent: Wednesday, May 28, 2008 3:31 PM
To: David Ohnstad
Subject: Traffic Impact Analyses

David,

We've received a Traffic Impact Analysis for the Country Life Estates 2 and Rivers Edge 2 subdivisions, both attached.

Please proceed with a review.

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530

EXHIBIT A-13

10/27/2008

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.



10-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-14

Randy Ffrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Ffrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Ffrick [mailto:rrfrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

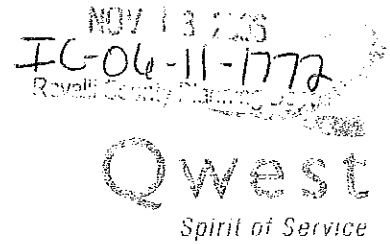
Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

1515 S 14 W
Missoula, MT 59801-4927

November 9, 2006

RECEIVED



Leonard Shepherd
Shepherd Survey
320 Adirondac Ave
Hamilton, MT 59840

RE: Country Life Estates #2

Thank you for the information on the proposed 12-lot Country Life #2 subdivision located off McCarthy Loop in Hamilton, MT.

Qwest Corporation will provide telecommunications service to this development under the terms and conditions of the Provisioning Agreement for Housing Development (PAHD). This agreement stipulates Qwest will provide the facilities at no charge to the developer/builder as long as the cost does not exceed the cap of \$775 per lot established for the state of Montana. The developer/builder must pay costs in excess of the cap prior to the start of any required construction. Upon receipt of a final plat, the cost of providing service to the development and placement of facilities will be determined and provided to the developer/builder.

Please provide an 11" x 17" copy of the final plat and notification of a development start date when available to allow for a timely response. If you have any additional questions or information, please call me on 406-543-2175.

Sincerely,

Dave Smith
Senior Design Engineer
1515 S 14 West
Missoula, MT 59801-4927

cc: Ravalli County Planning
215 S 4th Suite F
Hamilton, MT 59840

EXHIBIT A-15

Name of Subdivision: *COUNTRY LIFE ESTATES #2*

RECEIVED

Subdivider/Landowner Name(s): *SCHULLENBERGER*

APR 11 2008

IC-08-04-338
Hawaii County Planning Dep.Consultant Name: *BR ENGINEERING*Date Received: *4-11-08*

Sufficiency Review Due Date:

| Yes | No | N/A | Item | Additional Information/Staff comments |
|-----|----|-----|------|---------------------------------------|
|-----|----|-----|------|---------------------------------------|

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.

(a) Vicinity Map or Plan

(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:

(A) flood plains

(B) surface water features

(C) springs

(D) irrigation ditches

(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems

(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);

(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)

(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities

(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.

(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.

| Yes | No | N/A | Item | Additional information/Staff comments |
|-----|----|-----|---|--|
| | | | (d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes: | |
| | | | (i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ | |
| | | | (ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer. | |
| | | | (iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii); | |
| | | | (e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability: | |
| | | | (i) obtained from well logs or testing of onsite or nearby wells; | |
| | | | (ii) obtained from information contained in published hydrogeological reports; <u>OR</u> | |
| | | | (iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104; | |
| | | | (f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104; | |
| | | | (g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. | The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4. |

M. Farrell



Montana Fish, Wildlife & Parks

Reference: Country Life Estates #2 (Schallenberger)--Revised, proposed major (8 lots on 16.3 acres) subdivision, 2 miles SW of Grantsdale

Below is the proposed Wildlife Covenant section for the above-named subdivision, recommended by Montana Fish, Wildlife & Parks; Missoula; June 10, 2008. (FWP contact person is Sharon Rose, phone 406-542-5540; shrose@mt.gov.)

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is

best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.

- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.

- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).